IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.928 OF 2006

The Bank of Rajasthan Ltd.
Office at Mittal Tower "C" Wing,
Nariman Point,
Mumbai 400021 .. Petitioner.
Vs.
1. Shyam Sunder Taparia
Akai Impex Ltd.
401, 405 Dalmal House,
Nariman Point,
Mumbai 400 006 ..
2. The State of Maharashtra .. Respondents.

WITH

CRIMINAL WRIT PETITION NO.929 OF 2006

The Bank of Rajasthan Ltd.
Office at Mittal Tower "C" Wing,
Nariman Point,
Mumbai 400021 .. Petitioner.
Vs.
1. Shyam Sunder Taparia
Akai Impex Ltd.
401, 405 Dalmal House,
Nariman Point,
Mumbai 400 006 ..
2. The State of Maharashtra .. Respondents.

WITH

CRIMINAL WRIT PETITION NO.930 OF 2006

The Bank of Rajasthan Ltd.
Office at Mittal Tower "C" Wing,
Nariman Point,
Mumbai 400021 .. Petitioner.
Vs.
1. Shyam Sunder Taparia
Akai Impex Ltd.
401, 405 Dalmal House,
Nariman Point,
Mumbai 400 006 ..
2. The State of Maharashtra .. Respondents.

WITH

CRIMINAL WRIT PETITION NO.931 OF 2006

The Bank of Rajasthan Ltd.
Office at Mittal Tower "C" Wing,
Nariman Point,
Mumbai 400021 .. Petitioner.
Vs.
1. Shyam Sunder Taparia
Akai Impex Ltd.
401, 405 Dalmal House,
Nariman Point,
Mumbai 400 006 ..
2. The State of Maharashtra .. Respondents.

WITH

CRIMINAL WRIT PETITION NO.932 OF 2006

The Bank of Rajasthan Ltd.
Office at Mittal Tower "C" Wing,
Nariman Point,
Mumbai 400021 .. Petitioner.
Vs.
1. Shyam Sunder Taparia
Akai Impex Ltd.
401, 405 Dalmal House,
Nariman Point,
Mumbai 400 006 ..
2. The State of Maharashtra .. Respondents.

WITH

CRIMINAL WRIT PETITION NO.933 OF 2006

The Bank of Rajasthan Ltd.
Office at Mittal Tower "C" Wing,
Nariman Point,
Mumbai 400021 .. Petitioner.
Vs.
1. Shyam Sunder Taparia
Akai Impex Ltd.
401, 405 Dalmal House,
Nariman Point,
Mumbai 400 006 ..
2. The State of Maharashtra .. Respondents.

Mr.Kartik Somsundaram i/b Paras Kuhad or the petitioners.

Mr.M.P.Dalvi for respondent no.1.

Mr.A.S.Shitole A.P.P. for the State. in WP Nos.928/06, 933/06.

Mrs.M.M.Deshmukh A.P.P.for the State in WP No.929/06.

Mr.R.Y.Mirza A.P.P. for the State in WP No.930/06.

Mrs.M.H.Mhatre A.P.P. for the State in WP No.931/06.

Mr.S.V.More A.P.P. for the State in WP No.932/06.

CORAM : D.B.BHOSALE, J.
DATED : 27TH JULY, 2006

ORAL JUDGMENT:

. Heard learned counsel for the petitioner and respondent no.1 and learned A.P.P. for the State.

2. All these writ petitions are directed against cryptic order passed by the Sessions Court on 19.1.2006 by which all the complaints filed by the petitioner-bank have been dismissed. The order passed by the Sessions Court reads thus:

> "Ms.Joshi APP for State present.
> Ms.Pradhan Advocate for applicant and
> Ms.Sagar Advocate for the Respondent are present.
> Heard.
> In view of SMS Pharmaceuticals the case cannot be maintained against the present applicant. Complaints against them dismissed."

3. The courts are not expected to pass such cryptic orders. The learned Judge, in the present case, ought to have record short reasons demonstrating as to how the case in hand was covered by the judgment of the Apex Court in **S.M.S. Pharmaceuticals Pvt. Ltd. Vs. Neeta Bhalla and Anr. AIR 2005 S.C. 3512**. The learned Judge even did not feel it necessary to

mention full title of the judgment of the Apex Court and the citation thereof while dismissing all the complaints relying upon the said judgment. His approach while passing drastic orders, dismissing the complaints under section 138 of the Negotiable Instruments Act, 1881 filed by the Bank involving huge amounts, was absolutely casual. The courts should exhibit from their conduct and their orders, concerned for the justice to be done in the cases and not casualness, as seen from the impugned order in the present case. The learned counsel for the parties have fairly agreed that I need not examine the merits of the case and record reasons for setting aside the impugned order and that all the matters be remanded to the Sessions Court for deciding the same on merits in accordance with law. In the circumstances I am satisfied that the following order shall meet the ends of justice:

. The orders impugned in all the writ petitions dated 19.1.2006 are quashed and set aside. All the revisions stand restored to file. The Sessions Court shall decide all the revisions on merits in accordance with law and by passing speaking order as expeditiously as possible and preferrably within a period of three months from the date of receipt of this order.

. With these observations all the writ petitions stand disposed of.

(D.B.Bhosale, J.)